

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
SECURITIES AND EXCHANGE)	
COMMISSION,)	
)	
Plaintiff,)	
)	
v.)	C. A. No. 1:12-cv-10012-MLW
)	
JBK, INC.,)	
JOHN W. BORDYNUIK, and)	
RONALD BALDWIN, JR.,)	
)	
Defendants.)	
_____)	

**ASSENTED TO MOTION TO AMEND FINAL JUDGMENT
AS TO DEFENDANT JOHN W. BORDYNUIK**

Plaintiff Securities and Exchange Commission (the “Commission”) hereby moves and requests that the Final Judgment in this matter as to defendant John W. Bordynuik (“Bordynuik”), entered by this Court on March 18, 2013, be amended to correct a mistake in the Proposed Final Judgment that was submitted to the Court. Counsel for the Commission has conferred with counsel for Mr. Bordynuik about this matter and provided him with a copy of the [Proposed] Amended Final Judgment as to Defendant John W. Bordynuik that is submitted with this motion, and counsel for Mr. Bordynuik assents to the Commission’s motion and request to amend.

Very simply, when the Commission filed the Consent of Defendant John W. Bordynuik (Exhibit A), paragraph 2(c) of the Consent correctly reflected that as part of his settlement with the Commission Mr. Bordynuik consented to a final judgment that “prohibits Defendant, for five years, from acting as an officer and director...” In the proposed Final Judgment (Exhibit B) filed

with Mr. Bordynuik's Consent, the Commission did not include the five year limitation on the prohibition from acting as an officer and director. Specifically, paragraph IX of the proposed Final Judgment submitted by the Commission incorrectly stated that the "Defendant is prohibited from acting as an officer or director..." In other words, the clause "for five years" was left out of the proposed Final Judgment submitted by the Commission.

Mr. Bordynuik's Consent reflects the settlement agreement he reached with the Commission. That agreement included an agreement that the Final Judgment would prohibit him from acting as an officer or director for five years. It is totally the fault of the Commission, not Mr. Bordynuik, that the five year limitation was not contained in the proposed Final Judgment submitted to the Court and, as a result, in the Final Judgment entered by the Court. The [Proposed] Amended Final Judgment as to Defendant John W. Bordynuik amends paragraph IX of the original Final Judgment and includes the language "for a period of five years." The Commission respectfully requests that the Court enter the Amended Final Judgment. The Commission also respectfully requests that, as reflected in paragraph IX of the [Proposed] Amended Final Judgment as to Defendant John W. Bordynuik, the five year prohibition run from the date of the original Final Judgment (i.e., March 18, 2013).

Finally, the Commission notes that the proposed Amended Final Judgment amends the language of paragraph X by deleting instructions that the Defendant make the payment of his civil penalty within ten days of the entry of the judgment. That language has been taken out of the proposed Amended Final Judgment because Mr. Bordynuik has already paid the \$110,000 civil penalty.

April 4, 2013

Respectfully submitted,

Plaintiff:

//s// Martin F. Healey

Martin F. Healey (BBO No. 227550)
U.S. SECURITIES AND EXCHANGE
COMMISSION
33 Arch Street; 23rd Floor
Boston, Massachusetts 02110-1424
617-573-8953
HealeyM@sec.gov

Counsel for Plaintiff
Securities and Exchange Commission

CERTIFICATE OF SERVICE

I, Martin F. Healey, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to any indicated as non-registered participants on this date.

Date: April 4, 2013

//s/ Martin F. Healey
Martin F. Healey